

**OCCUPATIONAL SAFETY
AND HEALTH STANDARDS BOARD**

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**FINAL STATEMENT OF REASONS****CALIFORNIA CODE OF REGULATIONS**

TITLE 8: Division 1, Chapter 4, Subchapter 4, Article 2, Section 1504,
Article 21, Section 1637 and Appendix C, Plate C-17 of the Construction Safety Orders; and
Subchapter 7, Article 23, Section 3622 of the General Industry Safety Orders

Scaffold Plank Design Requirements

There are no modifications to the information contained in the Initial Statement of Reasons except for the following sufficiently-related modifications that are the result of public comments and/or Board staff evaluation.

Section 1637. General Requirements.

Section 1637 contains a number of provisions addressing the design, construction and use of scaffolds.

Subsection (f)(2)(B)

Existing subsection (f) contains provisions for scaffold planking and focuses primarily on solid sawn wood planking and the related permissible spans for the use of such planking. Proposed amendments to subsection (f) include provisions for solid sawn scaffold planking and manufactured planking such as laminated wood planking, metal planking, and planking manufactured from other materials.

Subsection (f)(2)(A) provides the maximum permissible spans for Douglas Fir and Southern Pine scaffold planking. Subsection (f)(2)(B) addresses maximum permissible spans for other wood species of scaffold planking.

Federal OSHA commented that its regulations do not permit scaffold plank spans greater than 10 feet in length for any species of wood. Federal OSHA determined that proposed subsection (f)(2)(B) is not at least as effective as the federal standard because a licensed professional engineer is permitted to determine maximum spans allowed for other species of wood planking, which conceivably could exceed the federal 10 foot limitation.

Therefore, a proposed modification for Section 1637(f)(2)(B) will specify that the maximum permissible spans allowed for other wood species of scaffold planking shall “not exceed 10 feet” and shall be determined by a licensed professional engineer. This modification is necessary for clarity and equivalency with the federal standard.

SUMMARY AND RESPONSES TO ORAL AND WRITTEN COMMENTS:

I. Written Comments

Comment:

Mr. Ken Nishiyama Atha, Regional Administrator, Occupational Safety and Health Administration (Federal OSHA), by letter dated June 10, 2010.

Federal OSHA stated that it had completed its review of the various provisions of the proposed standards. Federal OSHA stated that Section 1637(f)(2)(B) allows the maximum permissible span for wood species, other than Douglas Fir and Southern Pine, to be determined by a licensed professional engineer. A concern was stated that the federal standard, 29 CFR 1910.29(a)(9) [sic 29 CFR 1910.28(a)(9)] does not allow plank lengths greater than 10 feet for any species of wood. Consequently, federal OSHA stated that the proposed standard is not at least as effective as the federal standard.

Response:

As a result of this comment, the Board believes that a modification for clarification and equivalency with the federal standard is necessary. Therefore, a proposed modification for Section 1637(f)(2)(B) will specify that the maximum permissible spans allowed for other wood species of scaffold planking shall “not exceed 10 feet” and shall be determined by a licensed professional engineer.

The Board thanks Federal OSHA for their review of the proposal, comments, and participation in the Board’s rulemaking process.

II. Oral Comments

Oral comments received at the June 17, 2010, Public Hearing in Sacramento, California.

Grouped Comments:

The following attendees spoke in support of the proposal:

- Steve Johnson, Associated Roofing Contractors of the Bay Area Counties.

- Bruce Wick, California Professional Association of Specialty Contractors (CALPASC).
- John Warlikowski, Kennison Forest Products, Inc.
- Kevin Bland, representing the California Framing Contractors Association and the Residential Contractors Association.
- Greg Allaire, Southwest Carpenters Training Fund.
- Jeff Jack, RedBuilt, LLC. Mr. Jack also expressed specific support for Section 1637(f)(4) as written and encouraged the Board not to make any modifications to proposed subsection (f)(4).

Response:

The Board thanks these individuals and their organizations for their comments, support of the proposal, and participation in the Board's rulemaking process.

Comment:

Board Member, William Jackson stated that Section 1637(f)(4) requires a label or a seal for laminated veneer lumber (LVL) planking manufactured after the effective date of the proposal. He expressed a concern that there is not a similar requirement in the proposal for LVL planking put into service before the effective date of the proposal.

Response:

Several advisory committee members noted that some employers may have an inventory of suitable, quality LVL planking products, and it would be onerous and unnecessary to discard this planking or leave it unused if the original labeling or lack of labeling did not meet the requirements of the proposal. It would not be feasible or possible in most cases retroactively to require the specific labeling or seal on previously manufactured LVL planking; although it should be noted that most legitimate manufacturers have for many years included labels/embossing on LVL planking that includes the date of production and the logo of their independent inspection agency.

Consequently, the advisory committee agreed to language that would require the specified label or seal for LVL planking products manufactured after the effective date of the proposal. The proposal's requirements for daily visual inspection of scaffold planking and for removal of damaged planking from service would in many cases identify and address unsuitable or sub-standard LVL planking previously introduced into the California market. Accordingly, the Board does not believe it is necessary to modify the proposal in this regard.

**MODIFICATIONS AND RESPONSES TO COMMENTS RESULTING FROM
THE 15-DAY NOTICE OF PROPOSED MODIFICATIONS**

No further modifications to the information contained in the Initial Statement of Reasons are proposed as a result of the 15-Day Notice of Proposed Modifications mailed on August 6, 2010.

SUMMARY AND RESPONSE TO WRITTEN COMMENT:

Written Comment

Comment:

Mr. Bruce Wick, CALPASC, Director of Risk Management, by e-mail dated August 25, 2010.

Mr. Wick stated that CALPASC supports the modification proposed as a result of the 15-Day Notice of Proposed Modifications mailed on August 6, 2010.

Response:

The Board thanks Mr. Wick for CALPASC's support of the modification and participation in the Board's rulemaking process.

DETERMINATION OF MANDATE

These standards do not impose a mandate on local agencies or school districts as indicated in the Initial Statement of Reasons.

ALTERNATIVES CONSIDERED

The Board invited interested persons to present statements or arguments with respect to alternatives to the proposed standards. No alternative considered by the Board would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the adopted action.